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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 United States of America,  
10 Plaintiff,

11 v.

12 Roger Bitsinnie,  
13 Defendant/Movant.  
14

No. CV 17-08267-PCT-JJT (BSB)  
CR 14-08165-PCT-JJT

**ORDER**

15 At issue is the Report and Recommendation (Doc. 18) (“R&R”) entered in this  
16 matter by United States Magistrate Judge Bridget S. Bade, recommending that the Court  
17 deny the Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255  
18 (Doc. 1). Defendant/Movant filed Objections to the R&R (Doc. 19), and the government  
19 filed a Response to those Objections (Doc. 20). Upon consideration of all the above, the  
20 Court will deny the Motion.

21 In a painstakingly thorough 28-page R&R, Judge Bade exhaustively analyzed each  
22 of Defendant/Movant’s five grounds for *vacatur* of sentence. The Court sees no profit in  
23 repeating or restating that analysis, which it adopts in whole. Defendant/Movant’s  
24 Objections simply repeat assertions he has made before and offer nothing new. As the  
25 government points out in its Response, Defendant/Movant’s assertion of “the truth of what  
26 really happened” as set forth in the Objections is inconsistent with both the facts as stated  
27 in the PSR and with the factual basis to which Defendant/Movant confirmed to be the true  
28 course of events under oath at the change of plea proceeding. And contrary to

1 Defendant/Movant's current assertions, the record is replete with instances of the Court  
2 inquiring as to his understanding of proceedings, the purpose of those proceedings, and the  
3 consequences of those proceedings—to include the first change of plea hearing, a second  
4 change of plea hearing, a status conference and change of plea hearing, and the sentencing  
5 hearing. Each of those hearings was attended by a Navajo interpreter and in each of those  
6 hearings, Defendant/Movant repeatedly responded that he understood with the benefit of  
7 the interpreter. Accordingly,

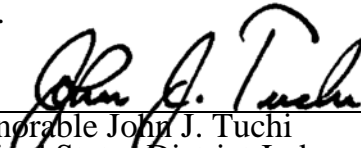
8 IT IS ORDERED overruling Defendant/Movant's Objections to the R&R (Doc. 19).

9 IT IS FURTHER ORDERED adopting in whole the R&R (Doc. 18) entered by  
10 Judge Bade in this matter, including all of its reasoning.

11 IT IS FURTHER ORDERED denying the Motion to Vacate, Set Aside, or Correct  
12 Sentence pursuant to 28 U.S.C. § 2255 (Doc. 1). The Clerk of Court shall close this matter.

13 IT IS FURTHER ORDERED denying a Certificate of Appealability and leave to  
14 proceed *in forma pauperis*.

15 Dated this 8th day of March, 2019.

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19 Honorable John J. Tuchi  
20 United States District Judge  
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